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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 NATASHA J. RYAN,

12 Plaintiff,

13 v.

14 CARLOS FUENTES, *et al.*,

15 Defendants.
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Case No. 2:25-cv-0925-DJC-JDP (PS)

ORDER

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19 Plaintiff Natasha Ryan has filed an amended complaint against the father of her children,
20 Vincent Contreras III; David Houk, Retired Superintendent of Modest City Schools; Maria
21 Labata, S.A.R.B Director; Dorene Sandoval, QC at Del Monte; and Petra Ortiz, a teacher at
22 Robertson Elementary School. Plaintiff has amended her complaint to bring claims on behalf of
23 her four children. The amended complaint fails to remedy the deficiencies of the prior screening
24 order. However, considering plaintiff's pro se status, I will give plaintiff one final chance to
25 amend her complaint before recommending that this case be dismissed.

26 **Screening and Pleading Requirements**

27 A complaint must contain a short and plain statement that plaintiff is entitled to relief,
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1 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its
 2 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not
 3 require detailed allegations, but legal conclusions do not suffice. *See Ashcroft v. Iqbal*, 556 U.S.
 4 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere
 5 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not
 6 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024,
 7 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that
 8 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264
 9 n.2 (9th Cir. 2006) (en banc) (citations omitted).

10 The court must construe a pro se litigant’s complaint liberally. *See Haines v. Kerner*, 404
 11 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it
 12 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which
 13 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017).
 14 However, “‘a liberal interpretation of a civil rights complaint may not supply essential elements
 15 of the claim that were not initially pled.’” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251,
 16 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

17 Analysis

18 Plaintiff alleges that from 2020 to January 2025, she suffered physical and emotional
 19 abuse at the hands of defendant Contreras, his mother, and defendant Sandoval. ECF No. 4 at 10.
 20 In 2021, plaintiff filed for custody of her children and for a restraining order against Contreras.
 21 *Id.* The remainder of plaintiff’s allegations, which come near the end of the complaint, address
 22 her children’s treatment in school, both by their teachers and school supervisors. *Id.* at 62-68.
 23 The amended complaint purports to bring claims under the Fourth, Eighth, and Fourteenth
 24 Amendments, 18 U.S.C. § 226, and the Domestic Violence Prevention Act. *Id.* at 5. The
 25 amended complaint, however, suffers from several deficiencies and cannot proceed past
 26 screening.

27 First, the allegations are too vague and conclusory to provide any defendant with adequate
 28 notice of the factual basis for each of plaintiff’s claims. Although plaintiff generally claims that

1 her rights were violated, she does not provide any specific factual allegations supporting that
2 claim. The complaint contains no allegations supporting her contention that defendants violated
3 her rights; indeed, the complaint contains virtually no allegations concerning defendant.
4 Although pro se pleadings are liberally construed, plaintiff must still identify each of defendant's
5 actions that support her claims. *See Jones v. Cmty. Redev. Agency*, 733 F.2d 646, 649 (9th Cir.
6 1984) ("The plaintiff must allege with at least some degree of particularity overt acts which
7 defendants engaged in that support the plaintiff's claim."). The complaint does not put
8 defendants on notice of the specific claims against them, as Rule 8 requires.

9 Second, plaintiff, proceeding pro se, has added her four children as plaintiffs. Pro se
10 litigants cannot assert claims on behalf of others. *See Simon v. Hartford Life, Inc.*, 546 F.3d 661,
11 664 (9th Cir. 2008) (pro se plaintiffs are generally prohibited "from pursuing claims on behalf of
12 others in a representative capacity"); *Johns v. Cnty. of San Diego*, 114 F.3d 874, 876 (9th Cir.
13 1997) (holding that a parent may not bring suit on behalf of a minor child without first retaining
14 an attorney).

15 Third, the amended complaint continues to name several defendants who are not
16 adequately alleged to have acted under the color of state law, and the claims against them appear
17 to be unrelated. "The traditional definition of acting under color of state law requires that the
18 defendant in a § 1983 action have exercised power 'possessed by virtue of state law and made
19 possible only because the wrongdoer is clothed with the authority of state law.'" *West v. Atkins*,
20 487 U.S. 42, 49 (1988) (quoting *United States v. Classic*, 313 U.S. 299, 326 (1941)). And, under
21 Rule 20 of the Federal Rules of Civil Procedure, plaintiff cannot bring unrelated claims against
22 different defendants. *See George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) ("Unrelated claims
23 against unrelated defendants belong in different suits."). In other words, a plaintiff cannot join
24 claims against defendant B that have nothing to do with those brought against defendant A.

25 Finally, plaintiff cannot bring a claim under 18 U.S.C. § 226. Federal criminal statutes,
26 like the one cited, generally do not provide private rights of action. *See Aldabe v. Aldabe*, 616
27 F.2d 1089, 1092 (9th Cir. 1980) (holding that there is no private right of action under 18 U.S.C.
28 § 241). Moreover, the complaint is devoid of factual allegations related to bribery affecting port

1 security. *See* 18 U.S.C. § 226.

2 I will allow plaintiff a final chance to amend her complaint before recommending that this
3 action be dismissed. Plaintiff should take care to add specific factual allegations against each
4 defendant. If plaintiff decides to file an amended complaint, the amended complaint will
5 supersede the current one. *See Lacey v. Maricopa Cnty.*, 693 F.3d 896, 907 n.1 (9th Cir. 2012)
6 (en banc). This means that the amended complaint will need to be complete on its face without
7 reference to the prior pleading. *See* E.D. Cal. Local Rule 220. Once an amended complaint is
8 filed, the current one no longer serves any function. Therefore, in an amended complaint, as in
9 the original, plaintiff will need to assert each claim and allege each defendant's involvement in
10 sufficient detail. The amended complaint should be titled "Second Amended Complaint" and
11 refer to the appropriate case number. If plaintiff does not file an amended complaint, I will
12 recommend that this action be dismissed.

13 Accordingly, it is hereby ORDERED that:

14 1. Plaintiff's first amended complaint, ECF No. 4, is DISMISSED with leave to amend.

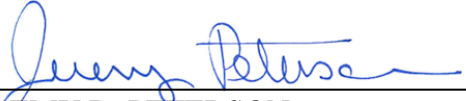
15 2. Within thirty days from service of this order, plaintiff shall file either (1) an amended
16 complaint or (2) notice of voluntary dismissal of this action without prejudice.

17 3. Failure to timely file either an amended complaint or notice of voluntary dismissal may
18 result in the imposition of sanctions, including a recommendation that this action be dismissed
19 with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

20 4. The Clerk of Court shall send plaintiff a complaint form with this order.

21 IT IS SO ORDERED.

22 Dated: May 29, 2025

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24 JEREMY D. PETERSON
25 UNITED STATES MAGISTRATE JUDGE
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